

**AMENDMENT**

**Amendments to the Claims**

Please cancel claims 75-111 and amend claims 4, 12, 15, 16, 19-23, 30, 35-38, 46, 54, 56, 58, 65, 67, 69, and 73 as shown.

The following listing of claims supersedes all prior versions and listings of claims in the application:

**Listing of Claims**

1. (Original) An isolated nucleic acid having a nucleotide sequence selected from the group consisting of:
  - (a) at least 10 consecutive nucleotides of SEQ ID NO: 1;
  - (b) at least 12 consecutive nucleotides of SEQ ID NO: 1;
  - (c) at least 14 consecutive nucleotides of SEQ ID NO: 1;
  - (d) at least 16 consecutive nucleotides of SEQ ID NO: 1;
  - (e) at least 18 consecutive nucleotides of SEQ ID NO: 1; and
  - (f) a sequence complementary to any one of the sequences of (a) –(e).
  
2. (Original) An isolated nucleic acid having a nucleotide sequence selected from the group consisting of:
  - (a) at least 10 consecutive nucleotides of SEQ ID NO: 3;
  - (b) at least 12 consecutive nucleotides of SEQ ID NO: 3;
  - (c) at least 14 consecutive nucleotides of SEQ ID NO: 3;
  - (d) at least 16 consecutive nucleotides of SEQ ID NO: 3;
  - (e) at least 18 consecutive nucleotides of SEQ ID NO: 3; and
  - (f) a sequence complementary to any one of the sequences of (a) –(e).

3. (Original) An isolated nucleic acid having a nucleotide sequence selected from the group consisting of:

- (a) a sequence encoding a CatSper3 protein;
- (b) a sequence encoding at least a transmembrane domain of a CatSper3 protein;
- (c) a sequence encoding at least an extracellular loop of a CatSper3 protein;
- (d) a sequence encoding at least a pore region of a CatSper3 protein;
- (e) a sequence encoding at least an epitope of a CatSper3 protein having high predicted antigenicity; and
- (f) a sequence complementary to any one of the sequences of (a)–(e).

4. (Currently amended) An isolated nucleic acid as in claim 3 selected from the group consisting of:

- (a) SEQ ID NO: 1;
- (b) SEQ ID NO: 3;
- (c) a sequence encoding a polypeptide comprising residues 88-117, 128-152, 155-180, 217-242, 245-268 and 282-308 of SEQ ID NO: 2;
- (d) a sequence encoding a polypeptide comprising residues 64-95, 101-129, 131-178, 191-218, 221-246 and 259-284 of SEQ ID NO: 4;
- (e) a sequence encoding a polypeptide comprising residues 118-127, 181-216 and 269-281 of SEQ ID NO: 2;
- (f) a sequence encoding a polypeptide comprising residues 96-100, 179-190 and 247-258 of SEQ ID NO 4;
- (g) a sequence encoding a polypeptide comprising residues 257-265 of SEQ ID NO: 2;
- (h) a sequence encoding a polypeptide comprising residues approximately residues 234-241 of SEQ ID NO: 4;
- (i) a sequence encoding a polypeptide comprising a high predicted antigenicity epitope of SEQ ID NO: 2;
- (j) a sequence encoding a polypeptide comprising a high predicted antigenicity epitope (e.g., residues 386-407) of SEQ ID NO: 4; and

(k) a sequence encoding a polypeptide comprising residues 386-407 of SEQ ID NO:4;  
and

~~(k)~~ (l) a sequence complementary to any one of the sequences of (a)–(j) (k).

5. (Original) An isolated nucleic acid encoding a polypeptide having at least 80% amino acid sequence identity with a polypeptide selected from the group consisting of:

- (a) a CatSper3 protein;
- (b) at least a transmembrane domain of a CatSper3 protein;
- (c) at least an extracellular loop of a CatSper3 protein; and
- (d) at least a pore region of a CatSper3 protein.

6. (Original) An isolated nucleic acid encoding a polypeptide having at least 80% amino acid sequence identity with a CatSper3 protein and having CatSper3 activity in a cell capable of expressing CatSper3 activity.

7. (Original) An isolated nucleic acid comprising  
a regulatory element having at least 80% nucleotide sequence identity to at  
least 100 consecutive nucleotides selected from SEQ ID NO: 5;  
wherein said regulatory element is capable of promoting transcription of a coding  
sequence operably joined thereto in a mammalian cell in which a CatSper3 gene can be  
expressed.

8. (Original) An isolated nucleic acid comprising a nucleotide sequence that hybridizes to  
at least a portion of a nucleic acid of SEQ ID NO: 1 or SEQ ID NO: 3 under conditions including  
a wash step of 1.0 x SSC at 65°C.

9. (Original) An isolated nucleic acid as in claim 8 wherein said nucleic acid encodes a  
polypeptide having CatSper3 activity.

10. (Original) A nucleic acid comprising:

(i) a nucleotide sequence encoding a polypeptide having CatSper3 activity, wherein said nucleic acid hybridizes to at least a portion of a nucleic acid of SEQ ID NO: 1 or SEQ ID NO: 3 under conditions including a wash step of 1.0 x SSC at 65°C; and

(ii) a heterologous regulatory region operably joined to said sequence such that said sequence is expressed.

11. (Original) A nucleic acid comprising:

(i) a nucleotide sequence encoding a polypeptide having at least 80 percent amino acid sequence identity with an amino acid sequence of SEQ ID NO: 2 or 4; and

(ii) a heterologous regulatory region operably joined to said sequence such that said sequence is expressed.

12. (Currently amended) A kit for detecting at least a portion of a CatSper3 nucleic acid comprising an isolated nucleic acid of ~~any one of claims 1-7~~ claim 1 and a means for detecting said isolated nucleic acid.

13. (Original) A kit as in claim 12 wherein said means for detecting said isolated nucleic acid comprises a detectable label bound thereto.

14. (Original) A kit as in claim 12 wherein said means for detecting said isolated nucleic acid comprises a labeled secondary nucleic acid which specifically hybridizes to said isolated nucleic acid.

15. (Currently amended) A vector comprising an isolated nucleic acid of ~~any one of claims 1-11~~ claim 1.

16. (Currently amended) A vector comprising a genetic construct capable of expressing a nucleic acid of ~~any one of claims 3-11~~ claim 3.

17. (Original) A vector as in claim 16 wherein said nucleic acid is operably joined to an exogenous regulatory region.

18. (Original) A vector as in claim 16 wherein said nucleic acid is operably joined to heterologous coding sequences to form a fusion vector.

19. (Currently amended) A vector comprising an isolated nucleic acid of ~~any one of claims 3-11~~ claim 3.

20. (Currently amended) A vector comprising an isolated nucleic acid of ~~any one of claims 3-11~~ claim 3 operably joined to a reporter gene.

21. (Currently amended) A cell transformed with a nucleic acid of ~~any one of claims 3-11~~ claim 3.

22. (Currently amended) A cell transformed with a genetic construct capable of expressing a nucleic acid of ~~any one of claims 3-11~~ claim 3.

23. (Currently amended) A cell as in claim 22 wherein said nucleic acid is operably joined to heterologous coding sequences to encode a fusion protein.

24. (Original) A cell as in claim 22 wherein said cell is selected from the group consisting of bacterial cells, yeast cells, insect cells, nematode cells, amphibian cells, rodent cells, and human cells.

25. (Original) A cell as in claim 22 wherein said cell is selected from the group consisting of mammalian somatic cells, fetal cells, embryonic stem cells, zygotes, gametes, germ line cells and transgenic animal cells.

26. (Original) A non-human transgenic animal, wherein a genetic construct has introduced a modification into a genome of said animal, or an ancestor thereof, and wherein said modification is selected from the group consisting of insertion of a nucleic acid encoding at least a fragment of a CatSper3 protein, inactivation of an endogenous CatSper3 gene, and insertion by homologous recombination of a reporter gene operably joined to CatSper3 regulatory elements.

27. (Original) An animal as in claim 26 wherein said modification is insertion of a nucleic acid encoding a polypeptide selected from the group consisting of a CatSper3 protein, at least a transmembrane domain of a CatSper3 protein, at least an extracellular loop of a CatSper3 protein, at least a pore region of a CatSper3 protein, and at least an epitope of a CatSper3 protein having high predicted antigenicity.

28. (Original) An animal as in claim 26 wherein said animal is selected from the group consisting of rats, mice, hamsters, guinea pigs, rabbit, dogs, cats, goats, sheep, pigs, and non-human primates.

29. (Original) A substantially pure protein preparation comprising a polypeptide selected from the group consisting of:

- (a) a CatSper3 protein;
- (b) at least a transmembrane domain of a CatSper3 protein;
- (c) at least an extracellular loop of a CatSper3 protein;
- (d) at least a pore region of a CatSper3 protein; and
- (e) at least an epitope of a CatSper3 protein having high predicted antigenicity.

30. (Currently amended) A substantially pure protein preparation as in claim 29 wherein said polypeptide is selected from the group consisting of:

- (a) SEQ ID NO: 2;
- (b) SEQ ID NO: 4;
- (c) residues 88-117, 128-152, 155-180, 217-242, 245-268 and 282-308 of SEQ ID NO: 2;

- (d) residues 64-95, 101-129, 131-178, 191-218, 221-246 and 259-284 of SEQ ID NO: 4;
- (e) residues 118-127, 181-216 and 269-281 of SEQ ID NO: 2;
- (f) residues 96-100, 179-190 and 247-258 of SEQ ID NO: 4;
- (g) residues 257-265 of SEQ ID NO: 2;
- (h) residues 234-241 of SEQ ID NO: 4;
- (i) a high predicted antigenicity epitope of SEQ ID NO: 2; ~~and~~
- (j) a high predicted antigenicity epitope (~~e.g., residues 386-407~~) of SEQ ID NO: 4 and
- (k) residues 386-407 of SEQ ID NO: 4.

31. (Original) A substantially pure protein preparation comprising a polypeptide having at least 80% amino acid sequence identity with a polypeptide selected from the group consisting of:

- (a) a CatSper3 protein;
- (b) at least a transmembrane domain of a CatSper3 protein;
- (c) at least an extracellular loop of a CatSper3 protein; and
- (d) at least a pore region of a CatSper3 protein.

32. (Original) A substantially pure protein preparation comprising a polypeptide having at least 80% amino acid sequence identity with a CatSper3 protein and having CatSper3 activity in a cell capable of expressing CatSper3 activity.

33. (Original) A substantially pure antibody preparation comprising an antibody raised against a CatSper3 epitope.

34. (Original) A substantially pure antibody preparation as in claim 33 wherein said epitope has high predicted antigenicity.

35. (Currently amended) A substantially pure antibody preparation as in claim 33 wherein said epitope comprises an amino acid sequence within the an amino acid sequence selected from the group consisting of high predicted antigenicity epitopes of SEQ ID NO: 2, ~~and~~ high predicted

antigenicity epitopes (~~e.g., residues 386-407~~) of SEQ ID NO: 4, and residues 386-407 of SEQ ID NO: 4.

36. (Currently amended) A substantially pure antibody preparation as in ~~any one of claims 33-35~~ claim 33 wherein said antibody is a monoclonal antibody.

37. (Currently amended) A substantially pure antibody preparation as in ~~any one of claims 33-35~~ claim 33 wherein said antibody is an antibody fragment selected from the group consisting of an Fab fragment, an F(ab')<sub>2</sub> fragment, an Fv fragment, and a single-chain Fv fragment (scFv).

38. (Currently amended) A kit for detecting at least an epitope of a CatSper3 protein comprising an anti-CatSper3 antibody of ~~any one of claims 33-37~~ claim 33 and a means for detecting said antibody.

39. (Original) A kit as in claim 38 wherein said means for detecting said anti-CatSper3 antibody comprises a detectable label bound thereto.

40. (Original) A kit as in claim 38 wherein said means for detecting said anti-CatSper3 antibody comprises a labeled secondary antibody which specifically binds to said anti-CatSper3 antibody.

41. (Original) A method of identifying a potential modulator of CatSper3 activity comprising:

- contacting a candidate compound with a cell expressing a CatSper3 protein;
- measuring an indicator of CatSper3 activity in said cell;
- determining whether said candidate compound caused an increase or decrease in said indicator relative to a reference level; and
- identifying said candidate compound as a potential modulator of CatSper3 activity if said increase or decrease is significant.



42. (Original) A method as in claim 41 wherein said indicator is an indicator of the level of mRNA encoding said CatSper3 protein.
43. (Original) A method as in claim 41 wherein said indicator is an indicator of the level of CatSper3 protein.
44. (Original) A method as in claim 41 wherein said indicator is an indicator of cation flux across a membrane of said cell.
45. (Original) A method as in claim 41 wherein said indicator is an indicator of whole cell or channel currents of said cell.
46. (Currently amended) A method as in ~~any one of claims 41-45~~ claim 41 wherein said cell has been transformed with a genetic construct capable of expressing a CatSper3 protein.
47. (Original) A method as in claim 41 wherein said cell is a mature sperm cell and said indicator is a measure of sperm motility.
48. (Original) A method of identifying a potential modulator of CatSper3 activity comprising:  
    contacting under physiological conditions a candidate compound with CatSper3 moiety comprising at least a structural domain of a CatSper3 protein;  
    measuring binding, if any, between said candidate compound and said CatSper3 moiety;  
    identifying said candidate compound as a potential modulator of CatSper3 activity if said binding is significant.

49. (Original) A method as in claim 48 wherein said CatSper3 moiety is a polypeptide selected from the group consisting of:

- (a) a CatSper3 protein;
- (b) at least a transmembrane domain of a CatSper3 protein;
- (c) at least an extracellular loop of a CatSper3 protein; and
- (d) at least a pore region of a CatSper3 protein.

50. (Original) A method of decreasing the fertility of a male subject comprising:  
administering to said male a compound which decreases CatSper3 activity.

51. (Original) A method of causing reversible infertility in a male subject comprising:  
administering to said male a compound which decreases CatSper3 activity.

52. (Original) A method of contraception comprising:  
administering to a male subject a compound which decreases CatSper3 activity.

53. (Original) A method of contraception comprising:  
administering to a female subject a compound which decreases CatSper3 activity.

54. (Currently amended) A method as in ~~any one of claims 50-53~~ claim 50 wherein said compound is in a formulation selected from the group consisting of an injection, a transdermal patch, a bioerodable implant, a lubricant, a moisturizer, a foam, a jelly, and a sponge.

55. (Original) A method of contraception as in claim 53 wherein:  
said female subject is a mammal and said compound is administered into at least one of the vagina, uterus and fallopian tubes of said female.

56. (Currently amended) A method as in ~~any one of claims 50-53~~ claim 50 wherein said compound is selected from the group consisting of a nucleic acid which is antisense to at least a portion of a CatSper3 gene and an antibody to a CatSper3 protein.

57. (Original) A method as in claim 56 wherein said compound is an antibody fragment selected from the group consisting of an Fab fragment, an F(ab')<sub>2</sub> fragment, an Fv fragment, and an scFv fragment.

58. (Currently amended) A method as in ~~any one of claims 50-53~~ claim 50 wherein said subject is a mammal.

59. (Original) A method as in claim 58 wherein said mammal is selected from the group consisting of humans, dogs, cats, cows, sheep, horses, mice, rats, raccoons, and gophers.

60. (Original) A method as in claim 58 wherein said subject is selected from the group consisting of a fish, an amphibian and an insect.

61. (Original) Use of a compound which decreases CatSper3 activity in the preparation of a medicament for decreasing the fertility of a male subject.

62. (Original) Use of a compound which decreases CatSper3 activity in the preparation of a medicament for causing reversible infertility in a male subject.

63. (Original) Use of a compound which decreases CatSper3 activity in the preparation of a contraceptive for administration to a male.

64. (Original) Use of a compound which decreases CatSper3 activity in the preparation of a contraceptive for administration to a female.

65. (Currently amended) A use as in ~~any one of claims 61-64~~ claim 61 wherein said compound is in a formulation selected from the group consisting of an injection, a transdermal patch, a bioerodable implant, a lubricant, a moisturizer, a foam, a jelly, and a sponge.

66. (Original) A use as in claim 64 wherein:

said female subject is a mammal and said compound is administered into at least one of the vagina, uterus and fallopian tubes of said female.

67. (Currently amended) A use as in ~~any one of claims 61-64~~ claim 61 wherein said compound is selected from the group consisting of a nucleic acid which is antisense to at least a portion of a CatSper3 gene and an antibody to a CatSper3 protein.

68. (Original) A use as in claim 67 wherein said compound is an antibody fragment selected from the group consisting of an Fab fragment, an F(ab')<sub>2</sub> fragment, an Fv fragment, and an scFv fragment.

69. (Currently amended) A use as in ~~any one of claims 61-64~~ claim 61 wherein said subject is a mammal.

70. (Original) A use as in claim 69 wherein said mammal is selected from the group consisting of humans, dogs, cats, cows, sheep, horses, mice, rats, raccoons, and gophers.

71. (Original) A use as in claim 69 wherein said subject is selected from the group consisting of a fish, an amphibian and an insect.

72. (Original) A contraceptive preparation comprising a compound which decreases CatSper3 activity.

73. (Currently amended) A preparation as in ~~claims~~ claim 72 wherein said compound is selected from the group consisting of a nucleic acid which is antisense to at least a portion of a CatSper3 gene and an antibody to a CatSper3 protein.

Preliminary Amendment  
Filed February 4, 2005  
Attorney Docket No. 110313.138US2  
Express Mail Label No. EV508206826US

74. (Original) A preparation as in claim 72 wherein said preparation is in a formulation selected from the group consisting of an injection, a transdermal patch, a bioerodable implant, a lubricant, a moisturizer, a foam, a jelly, and a sponge.

75-111. (Cancelled).